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BEFORE THE

Federal Communications Commission

Staton files the instant Reply in response to the statement made by Adams Rib, Inc. in its Opposition to Motion to Dismiss, that all other applicants in the proceeding had apparently timely received the documents sent by Adams Rib, Inc. The Standard Integration Statement ("SIS") and Standard Document Production ("SDP") of Adams Rib, Inc. were provided to Staton in an untimely manner. Under the most permissive interpretation of Section 1.4 of the Commission's rules, applicants in the New Albany proceeding were required to file their Standard Integration Statement and to effectuate Standard Document Production no later than April 12, 1993. However, the envelope in which counsel for Staton received Adams Rib, Inc.'s SIS and SDP bears a postal meter date of April 13, 1993, indicating the postage was not even affixed to the envelope until after the April 12, 1993 deadline. See Attachment 1. This evidence, on its face, directly belies the certificate of service enclosed in the envelope by which Mary L. Smith certified that the SIS was mailed April 9, 1993. See Attachment 2. The letter covering Adams Rib, Inc.'s SDP, included in the same envelope, was also dated April 9, 1993. See Attachment 3. Thus, it is clear that Adams Rib, Inc. did not effectuate Standard Document Production or serve copies of its Standard Integration Statement on April 9, 1993, as stated by Mary L. Smith in Adams Rib, Inc.'s Opposition, but after the deadline, on April 13, 1993.

Staton also confirms the statements of Martha J. Huber ("Huber") that Adams Rib, Inc. failed to timely file its Notice of Appearance. See Motion to Dismiss filed by Huber on April 16, 1993, and Reply to Opposition to Motion to Dismiss ("Reply") filed by Huber on April 23, 1993. Before filing its SIS/SDP on April 9, 1993, counsel for Staton reviewed the Commission's docket record; no evidence of a Notice of Appearance of Adams Rib, Inc. was found.² As indicated by Huber's Reply, Adams Rib, Inc.'s Notice of Appearance was not received by the Commission's mail room until April 6, 1993, after the filing deadline. See Huber's Reply at Attachment 1.

The Presiding Judge has consistently applied a strict standard to compliance with the prescribed timetable for filing notices and documents in hearing proceedings, with full approbation by the Review Board. See e.g., LRB Broadcasting, 7 FCC Rcd 6459 (Rev. Bd., 1992). Such treatment is clearly warranted here.


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Respectfully Submitted,

STATON COMMUNICATIONS, INC.

By:


Donald J. Evans


Marianne H. LePera
Its Attorneys

Date: April 28, 1993

² Nevertheless, Staton served its SIS/SDP upon Adams Rib, Inc. in the event of an error in the dockets room.

CERTIFICATE OF SERVICE

I, Adriana Escalante, a paralegal in the law firm of McFadden, Evans & Sill, do hereby certify that true and correct copies of the foregoing "Reply to Opposition to Motion to Dismiss" were served on April 28, 1993, via first-class United States Mail, postage prepaid, upon:

The Honorable Richard L. Sippel*
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554

James Shook, Esq.*
Hearing Branch, Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554

Mary L. Smith
Lou Smith Ministries, Inc.
P.O. Box 1226
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Dwayne Watkins
WG2B-96.5
981 S. Third Street, #400
Louisville, KY 40203-2261
For D.E.K.W. Communications, Inc.

A handwritten signature in black ink, appearing to read "Adriana Escalante", written over a horizontal line.

Adriana Escalante

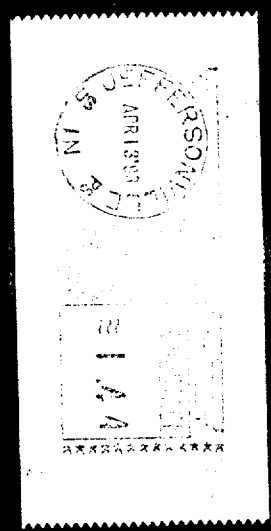
* Denotes hand-delivery

Attachment 1

44-38861-10006

DONALD J EVANS, ESQ.
McFADDEN, EVANS & SYLVE
1627 EYE ST. N.W., SUITE 800
WASHINGTON, D.C.

20006



Attachment 2

CERTIFICATE OF SERVICE

I, Mary L. Smith, do hereby certify that the foregoing
"Integration and Diversification Statement" was mailed, postage
pre-paid, this 9th day of April, 1993 to the following:

Attachment 3

M E M O R A N D U M

Date: April 9, 1993
From: Adams Rib, Inc.
To: All Applicants, FCC Docket No. 93-51
Re: Standard Document Production

Adams Rib, Inc., pursuant to Section 1.325(c)(1) of the Commission's Rules hereby provides its Standard Document Production.